

Egremont Planning Board Minutes

December 22, 2020

Call to Order: 12:10 PM

Present via Zoom: Jared Kelly, Eddie Regendahl, Nick Keene, Matthew Bersani, Donna B. Gordon

Citizens in Attendance: Marj Wexler, Eileen Vining, Mary McGurn, Lucinda Vermeulen, Mark Reynolds, Lori Robbins, Peter Barrett

Mail: None

Minutes: The December 9, 2020, minutes were accepted as amended.

Form A's: Mark Reynolds of Kelly, Granger & Parsons presented a Form A on behalf of Jen Harvey at 45 Blunt Road, who is conveying a small triangle of land, (0.159 acres) to the Gordon's at 43 Blunt Road leaving 45 Blunt Road (Harvey) 1.17 acres. No frontage is being changed, not a building lot, both properties are conforming lots. Donna Gordon recused herself from voting on this Form A.

A motion was made to accept the Form A and unanimously approved.

Citizens Time: None

New Business/Future Agenda Items: Lori A. Robbins, Esq., of Heller & Robbins representing the Barrett family presented two separate issues related to The Riverbend Subdivision on Sky Farm Road: 1) A request for a full release of Performance Covenants for development of Sky Farm Road; and 2) Approval to modify conditions to the Riverbend Subdivision in the Declaration of Covenants, Conditions and Restrictions.

Re: 1) In 2012, the Egremont PB issued a partial release of 6 of the 8 lots from the performance covenant. Due to work yet to be completed, the remaining lots (2 & 8) remained subject to the said covenant until such time they are released by the PB of Egremont. Steven Mack, Foresight Land Services has submitted to the Planning Board a letter along with a Certificate of Performance, stating that the road work required under the original covenant has been completed and the site inspected in November 2020 is now in compliance with said covenant. He is requesting a full release of the covenant.

The Board reviewed the original documentation for the partial release granted by the Board in 2012 which including an attachment outlining the required action steps needed to be completed for a full release. The list included Wetland Restoration which was not referenced in the letter from Mr. Mack. The Board requested that certification of the completed wetland restoration be submitted for review.

Re: 2) The Riverbend Subdivision Home Owners Association (HOA) approved a second amendment to the "Declaration of Covenants, Conditions and Restrictions" regarding

the allocation of HOA fees for maintenance of the subdivision road (known as Sky Farm Road). The Association voted unanimously to remove lot 2 (not buildable), from the obligation to contribute to the cost of road maintenance leaving the remaining 7 lots to assume road maintenance costs. Lot 2 shall remain a part of the subdivision.

In the same document, the Board noticed a change in language in section 2.17 entitled "Commercial Uses" with respect to commercial use of the lots/structures and their compliance with various legal jurisdictions. The original document mentioned compliance with *Federal*, state and local law. The modified document deleted the word "Federal". Ms. Robbins indicated the deletion of the word "Federal" was related to the legalization of Marijuana in the state of MA since the Declaration was written. Ms. Robbins stated that applicant was not seeking the Board's approval of the "Federal" wording amendment, just the change to maintenance sharing agreement with respect to Lot 2. The Board discussed the deletion of the word "Federal" and the possible downstream impact of the change. The Board will consult with Town Counsel to determine the PB's involvement in this matter and obtain clarification on intent of each modification.

Review & Discussion of Marijuana Bylaw Presentation Materials: The Board reviewed and discussed the presentational material submitted by Nick. It was generally agreed that a Powerpoint format, including an overview of each license type, our Bylaw with visuals and an FAQ that includes pros & cons of each issue would best suit our purposes for ZOOM informational meetings. Nick generously agreed to add more visuals to his presentation and edit narrative. The Board agreed the number of retail establishments allowed, cultivation with its associated nuisances, and setbacks are resident's priorities.

Regarding the regulation of setbacks, the Board is concerned that too great a setback might disallow a small outdoor grow facility that may otherwise meet all requirements for a special permit. The Board will ask Town Counsel if the PB can utilize discretion in the special permitting process regarding setbacks.

The Board discussed being the sole Special Permit Granting Authority with respect to all Marijuana Establishments (MEs) regardless of preexisting/new uses. Town Counsel will be consulted.

Lastly, the Board revisited the discussion of working with the town to outline a procedure for ME applicants and the steps needed to obtain a Host Community Agreement (HCA). Eddie & Donna agreed to draft standard procedures and timeline.

Meeting Adjourned: 1:54 pm

Next Meeting: January 6, 2020, at 10:00 am

Respectfully submitted by Donna B. Gordon

January 2, 2021